

Docket No.: 53887-017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David LOCKWOOD

Application No.: 09/890,815

Filed: August 6, 2001

For: COMPUTER BORROW AND LOAN SECURITIES AUCTION SYSTEM

Group Art Unit: Unassigned

Examiner: Unassigned

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

The Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

Applicant hereby petitions to make special the above-identified application in accordance with 37 C.F.R. § 1.102(d). Pursuant to M.P.E.P. § 708.02(VIII), Applicant complies with each of the following items:

A. FEE

Please charge Deposit Account 500417 the amount of \$130.00 as set forth in 37 C.F.R. § 1.17(h) to cover the fee for the present Petition to Make Special.

B. SINGLE INVENTION

Applicant submits that all pending claims are directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, Applicant will make an election without traverse and hereby invites the Examiner to contact the undersigned Applicant's representative for an election.

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C. PRE-EXAMINATION SEARCH

Applicant submits that a pre-examination search was made by International Searching Authority of the United States ("ISA/US") for a PCT patent application corresponding to the above-identified application. The field of search covers Class 705, subclasses 35, 37, and 38. Additionally, a computer database search was conducted on the U.S. Patent & Trademark Office systems STN, EAST, and WEST.

D. COPY OF REFERENCES

A copy of each of the references from the search were made of record in the Information Disclosure Statement filed on August 6, 2001. Of these references, the following specific references are deemed, for purpose of this Petition, most closely related to the subject matter encompassed by the claims:

1. U.S. Patent No. 5,966,699 to *Zandi*
2. U.S. Patent No. 5,845,266 to *Lupien et al.*
3. U.S. Patent No. 5,715,402 to *Popolo*
4. U.S. Patent No. 5,664,115 to *Fraser*
5. U.S. Patent No. 5,077,665 to *Silverman et al.*

E. DETAILED DISCUSSION

Applicant submits the following detailed discussion of the references deemed most closely related to the subject matter encompassed by the claims, pointing out, with the particularity required by 37 C.F.R. § 1.11(b) and (c), how the claimed subject matter is patentable over the references.

The present invention relates to a system and a methodology for borrowing and lending securities. Offers to lend securities and offers to borrow securities are received, and the offers to lend and the offers to borrow are then matched based on a corresponding quantity and fee of the offers. Upon matching an offer to lend with an offer to borrow, a notification of the transaction is sent.

1. U.S. Patent No. 5,966,699 to Zandi

Zandi relates to system for conducting an electronic loan auction such that a prospective borrower may choose among bids with the most favorable terms. As such, *Zandi* relates to the lending and the borrowing of money (column 1, lines 6-11). The electronic loan system of *Zandi*, however, fails to disclose a system and methodology of lending and borrowing of securities. Importantly, a security and money are not identical. They are considerably different transactions, made by different parties in different market settings.

2. U.S. Patent No. 5,845,266 to Lupien et al.

Lupien et al. relates to a continuous crossing network that matches buy and sell orders based upon a satisfaction and size profile. The crossing network can also output price discovery information (column 1, lines 6-11). The network of *Lupien et al.*, however, fails to disclose a system and methodology of lending and borrowing of securities. *Lupien et al.* relates to buying and selling, whereas the present invention relates to borrowing and lending.

3. U.S. Patent No. 5,715,402 to *Popolo*

Popolo relates to a system for conducting electronic negotiations of the sale of spot metals with the system permitting sellers of a spot metal to post items defined by detailed specifications and allowing buyers to search an inventory database and bid on the items by electronic mail (column 1, lines 6-11). The system of *Popolo*, however, fails to disclose a system and methodology of lending and borrowing of securities. *Popolo* relates to buying and selling, whereas the present invention relates to borrowing and lending. Also, *Popolo* relates to spots metals, whereas the present invention relates to securities.

4. U.S. Patent No. 5,664,115 to *Fraser*

Fraser relates to a system for matching buyers and sellers of real estate, businesses and other tangible and intangible assets based on buyer selection and screening criteria (column 1, lines 7-12). The system of *Fraser*, however, fails to disclose a system and methodology of lending and borrowing of securities. *Fraser* relates to buying and selling, whereas the present invention relates to borrowing and lending.

5. U.S. Patent No. 5,077,665 to *Silverman et al.*

Silverman et al. relates to a matching system for effectuating trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with one another based on specified criteria may automatically trade when match events occur that satisfy those criteria (column 1, lines 14-24). The system of *Silverman et al.*, however, fails to disclose a system and methodology of lending and borrowing of

securities. *Silverman et al.* relates to buying and selling, whereas the present invention relates to borrowing and lending.

F. CONCLUSION

In view of the above, it is urged that the petition to make special is in proper form, and an indication of grant is respectfully solicited.

If there are any outstanding issues, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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CRYSTAL PLAZA 2, ROOM 7C08 PCT
ATTN: SHARON PINK-KYLE
WASHINGTON DC 20231

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DATE: 12/21/2001

TO: 56 11 0010 74 01

SUBJECT: T&A ERROR ANALYSIS

ATTACHED IS A LISTING IDENTIFYING TIME AND ATTENDANCE EDIT ERRORS CORRECTED BY NFC DURING THE
PROCESSING OF PAY PERIOD 24 SALARY PAYMENTS. THIS LISTING IS PRODUCED EACH PAY PERIOD WHEN AN
ERROR IS DETECTED IN THE PROCESSING OF TIME AND ATTENDANCE REPORTS WHICH MAY HAVE BEEN CAUSED
BY TIMEKEEPERS OMISSIONS, INVALID DATA, OR NFC SCANNER READ ERRORS.

ERRORS IDENTIFIED HAVE BEEN CORRECTED AND NO FURTHER ACTION IS REQUIRED. HOWEVER, TIMEKEEPERS
SHOULD REVIEW THE LISTING IN AN EFFORT TO ELIMINATE FUTURE ERRORS.

IF YOU HAVE ANY QUESTIONS REGARDING THIS LISTING, PLEASE CONTACT THE PAYROLL/PERSONNEL PROCESSING
SECTION AT (COMMERCIAL) 504-255-4630 OR (FTS) 8-504-255-4630.

PAYROLL/PERSONNEL PROCESSING SECTION

REPORT ID: TIME 3201 ERROR ANALYSIS BY CONTACT POINT DATE PREPARED: 12/21/2001
PROCESSING PAY PERIOD: 24 AGENCY: PATENT AND TRADEMARK OFFICE SENSITIVE PERSONNEL DATA - USE IS RESTRICTED PAGE 1

CONTACT POINT	POI	NAME-LAST	F M	SSNO	ERROR DESCRIPTION
56 11 0010 74 01	2794	ROSS	R M	119522334	ADVANCED LEAVE EXCEEDS LEAVE EARNED BY YEAR END
	2794	MARQUIS	L M	147580732	ADVANCED LEAVE USED NOT CODED
	2794	PINK	S D	215726867	INCORRECT LEAVE ACCURAL FOR FULL-TIME EMP
CONTACT POINT TOTAL T&A-S:		3	TOTAL ERRORS:		3

